



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,302	12/01/2003	David L. Powell	136089/90 (MHM 15129US01)	2838
23446	7590	05/11/2006	EXAMINER CORBETT, JOHN M	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			ART UNIT 2882	PAPER NUMBER

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/725,302	<b>Applicant(s)</b> POWELL, DAVID L.	
	<b>Examiner</b> John M. Corbett	<b>Art Unit</b> 2882	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

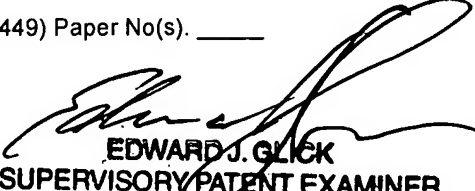
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-29.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
**EDWARD J. GLICK**  
**SUPERVISORY PATENT EXAMINER**

Continuation of 3. In the amendment to at least claim 11, the use of the term "directly" raises new issues.

Continuation of 11. Applicant's arguments filed 17 January 2006 have been considered by are not persuasive.

With regards to Burke et al. (claims 1 and 19) and Okamura et al. (claim 1), the Applicant argues that cited prior art "does not ... cool ... to the point in which it is considered 'chilled'". The examiner disagrees. In response, the Examiner notes that chilled is defined as "To lower in temperature; cool." The Applicant has not assign a special definition to the term chilled such as a temperature range or other physical parameter. The Applicant simply stated on page 9, line 4-5, of the specification, "The cooling unit 32 is configured to pump, or otherwise supply, cooled (i.e. chilled) fluid". The Applicant also states on page 14 line 19-20 that "As the chilled fluid absorbs heat, the temperature of the chilled fluid increases", which serves the identical function as the cooled fluid of Burke et al. and Okamura et al.

With regards to Burke et al. (claims 1 and 19) and Okamura et al. (claim 1), the Applicant argues cited prior art does not describe an "individual module" or a "a module by itself" that is able to both "cool ... and circulated the ... liquid". The Applicant further argues Burke et al. "does not ... describe a single auxiliary module comprising both a cooling unit and a booster battery pack". The examiner disagrees. An auxiliary module as recited in claims 1 and 19 has been interpreted as components that are specifically designed to perform a unique function and then configured to operate in a coordinated fashion as is described by Burke et al. and Okamura et al.

With regards to Burke et al. (claims 1 and 19), Okamura et al. (claim 1) and Busse et al. (claim 1), the Applicant argues cited prior art "does not ... disclose "an auxiliary module that is ... removably connected (i.e., capable of being disconnected and subsequently reconnected) ... to the medical imaging device". The Examiner disagrees. The auxiliary module is considered to be removable by any means. Furthermore, in response to Applicant's argument that the references (Burke et al., Okamura et al. and Busse et al.) fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., a structure allowing for the auxiliary module to be "subsequently reconnected") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

With regards to Busse et al. (claim 25), the Applicant argues cited prior art does not "disclose a method of cooling an x-ray tube involving a module that is 'removably connected' to said medical imaging device" and there is "no support ... for an assertion that the module to be removably connected (i.e. capable of being disconnected and subsequently reconnected)". The Examiner disagrees. The auxiliary module is considered to be removable by any means. Furthermore, in response to Applicant's argument that the references (Busse et al.) fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., a structure allowing for and/or a method step in which the auxiliary module is "subsequently reconnected") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

With regards to Okamura et al. (claim 5), the Applicant argues that cited prior art "does not describe ... a connection of any kind" but "simply describes a contacting". The Examiner disagrees. The Examiner notes that the cooling tube (16) is thermally connected to the x-ray detector (14).

With regards to Busse et al. (claim 25) and the applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "separate, distinct, and removably connected") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

In conclusion, the Applicant's arguments are not persuasive and claims remain rejected.